

Filed for intro on 02/05/2001
SENATE BILL 614 By
Cooper

HOUSE BILL 659
By Kisber

AN ACT to amend Tennessee Code Annotated, Title 56, relative to insurance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 56-7-1206, is amended by deleting subsection (a) in its entirety and by substituting instead the following language:

(a) Any insured intending to rely on the coverage required by this part shall, if any action is instituted against the owner and operator of an uninsured motor vehicle, serve a copy of the process upon the insurance company issuing the policy in the manner prescribed by law in accordance with the Tennessee Rules of Civil Procedure, as though such insurance company were a party defendant. Such company shall thereafter have the right to file pleadings and take other action allowable by law in the name of the owner and operator of the uninsured motor vehicle or in its own name; provided, that nothing in this subsection shall prevent such owner or operator from employing counsel of the owner's own choice; and provided further, that the evidence of service upon the insurance carrier shall not be made a part of the record.

SECTION 2. Tennessee Code Annotated, Section 56-7-1206(g), is amended by deleting subdivision (2) in its entirety and by substituting instead the following language:

(2) The liability insurance company or companies providing coverage to the party or parties to be released shall give written notice of the offer to the insured's uninsured motorist insurance carrier or its attorney, provide verification of the coverage upon request and confirm to the uninsured motorist insurance carrier or its attorney that the party or parties to be released will agree in writing to cooperate with the uninsured motorist insurance carrier in connection with the arbitration of the uninsured motorist claim; provided, that the uninsured motorist insurance carrier will agree to waive its subrogation rights against the party or parties to be released; provided further, that notice by facsimile transmission or by electronic mail or other electronic device shall not constitute "written notice" for purposes of this subdivision;

SECTION 3. This act shall take effect July 1, 2001, the public welfare requiring it.